

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

GEORGE A. JACKSON, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	C. A. No. 05-823-***
	)	
STANLEY TAYLOR, et al.,	)	JURY TRIAL REQUESTED
	)	
Defendants.	)	

**DEFENDANTS TAYLOR, TALLEY AND ANSON'S  
RESPONSE TO PLAINTIFFS' REQUEST FOR PRODUCTION**

Defendants Stanley Taylor, Joyce Talley and Carl Anson ("Answering Defendants") hereby respond to Plaintiffs' Request for Production of Documents ("Request for Production"):

**GENERAL OBJECTIONS**

1. Answering Defendants object to the Request for Production to the extent that it seeks information or documents protected from disclosure by the attorney-client privilege, the work product doctrine, or any other applicable privilege.
2. Answering Defendants object to the Request for Production to the extent that it purports to require supplementation of these responses beyond that required by Federal Rule of Civil Procedure 26(e).
3. Answering Defendants object to the Request for Production to the extent that it purports to place duties upon them not set forth in, or contemplated by, the Federal Rules of Civil Procedure.
4. Answering Defendants object to the Request for Production to the extent that it purports to seek information or documents not in their possession, custody or

control.

5. Answering Defendants object to the Request for Production to the extent that it seeks the production of documents equally available to Plaintiff or Plaintiff's counsel. Such documents will be identified by Defendants, but will not be produced.

6. Answering Defendants object to the Request for Production to the extent that it purports to require production of information or documents which are impractical or unduly burdensome to reproduce.

7. Answering Defendants object to the Request for Production to the extent that it seeks the production of documents generated by or received from counsel for Answering Defendants in connection with this litigation on or after the date of the acceptance of representation on the grounds that such documents are protected by attorney-client and work product privileges.

### **RESPONSES**

Subject to, and without waiver of the foregoing General Objections and those set forth in Answering Defendants' Responses, Answering Defendants respond, after a reasonable search, and subject to supplementation, as follows:

1. All documents, incident reports and/or work orders regarding complaints of high temperatures and high heat at the Sussex Correctional Institution (SCI), Kitchen Unit since the year of 1997.

**RESPONSE:** Objection. This Request is vague, overly broad and unduly burdensome. Further objection on the grounds that, pursuant to the applicable statute of limitations, Plaintiffs are not entitled to information prior to 2003. Further objection as to relevance. Without waiving these objections, there are none.

2. All written memoranda or correspondence between the Department of Corrections' (DOC) food service employees at SCI regarding the conditions which forms the subject matter of the Complaint.

**RESPONSE:** Objection. Answering Defendants dispute the allegations in the Complaint. Further objection that this request is vague, overly broad and unduly burdensome. Without waiving these objections, Defendants could locate no such documents.

3. Produce the Delaware Correctional Association Contractual Agreement, the article or section in regard to maintaining a safe work environment.

**RESPONSE:** Objection. This request has no relevance to Plaintiff's claims and is not designed to lead to the discovery of admissible evidence.

4. Any and all written policies and/or procedures concerning the responsibility of the Defendants and representatives of the Defendants to initiate and maintain such programs as may be necessary to maintain a safe work environment at the SCI kitchen.

**RESPONSE:** Objection. This request is vague, overly broad and unduly burdensome. Without waiving such objection, the DOC facilities follow the National Guidelines and Standards from the American Correctional Association ("ACA"), the National Commission on Correctional Health Care ("NCCHC") and the American Correctional Food Service Association ("ACFSA") which adopted the 1999 Food Code from the US Department of Health and Human Services Public Health Division. All of these groups provide educational material on food service management, budgeting, purchasing, menu planning, therapeutic diets, inspection of food products and health and safety regulations.

5. All transcripts of interviews by any correctional personnel regarding the alleged bad condition which is the subject of this lawsuit. Any logs, books, documents, tapes, or other tangible evidence of communication between representatives of the Defendants, and the Defendants concerning the alleged bad condition at SCI main kitchen Unit.

**RESPONSE:** Objection. This request is vague, overly broad and unduly burdensome. Further objection that this Request seeks production of information protected from discovery by the attorney-client privilege and the work product doctrine. Further objection as to the term “bad conditions.”

6. Produce any training manual or training programs that instructed the State Defendants in the recognition and avoidance of unsafe conditions and the regulations applicable to their work environment to control or eliminate any hazard or other exposure to illness or injury.

**RESPONSE:** Objection. This request is vague, overly broad and unduly burdensome. Without waiving such objection, inmates working in the kitchen are provided an orientation and “Serv-Safe” training on the following topics: introduction to food safety, personal hygiene, preparation, cooking, proper cleaning and sanitizing. Serv-Safe is a recognized accredited program from the National Restaurant Association in which all DOC personnel food staff are required to complete.

7. Produce all SCI main kitchen log books since 1996, and any other documents which maintain recorded temperatures at the SCI main kitchen.

**RESPONSE:** This Request is vague, overly broad and unduly burdensome. Further objection on the grounds that, pursuant to the applicable statute of limitations, Plaintiffs

are not entitled to information prior to 2003. Further objection as to relevance. Without waiving such objection, no documents are kept in reference to the air temperature in the kitchen. Nor is the air temperature documented in the log books.

STATE OF DELAWARE  
DEPARTMENT OF JUSTICE

/s/ Eileen Kelly

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Date: January 23, 2007

Attorney for Defendants Stanley Taylor,  
Joyce Talley and Carl Anson

***CERTIFICATE OF SERVICE***

I hereby certify that on January 23, 2007, I electronically filed *Defendants Stanley Taylor, Joyce Talley and Carl Anson's Response to Plaintiffs' Request for Production of Documents* with the Clerk of Court using CM/ECF. I hereby certify that on January 23, 2007, I have mailed by United States Postal Service, the document to the following non-registered parties on the attached service list.

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